



FIRM RESUME

Johnson Bottini, LLP is committed to providing the highest quality legal services expected at a large law firm with the efficiency and personal touch that only a small firm can offer. Prior to opening their own law firm, the founding partners of Johnson Bottini, LLP were both partners at two of the largest and most preeminent law firms in the country.

The attorneys at Johnson Bottini, LLP have the "big firm" experience to offer clients, but at a more affordable price. Johnson Bottini, LLP provides efficient and excellent legal services to its clients. With lawyers experienced in representing large publicly traded corporations, Johnson Bottini, LLP now represents clients from defrauded individuals to large corporations in complex civil trials.

OUR ATTORNEYS

Frank J. Johnson

Prior to starting his own law firm, Mr. Johnson was a partner in the law firm Sheppard, Mullin, Richter & Hampton LLP, a full service Am Law 100 law firm with more than 400 attorneys in nine offices located throughout the country. Mr. Johnson has represented some of the largest well known companies in the country in complex business disputes. He has conducted both jury and non-jury trials in state and federal court.



Areas of Practice: Mr. Johnson's practice focuses on complex litigation. Mr. Johnson has extensive experience in all aspects of trial practice, mediation, trial preparation, and non-jury and jury trials in state and federal court. In addition to his general trial practice, Mr. Johnson has both prosecuted and defended a number of cases involving securities fraud in class actions and derivative cases.

Professional Qualifications and Activities: Mr. Johnson was admitted to the State Bar of California in 1994. He has an AV rating with Martindale-Hubble which indicates very high to preeminent legal ability and very high ethical standards as established by confidential opinions from members of the Bar. He is currently admitted in good standing with the following courts:

- All courts of the State of California
- The United States Court of Appeals for the Ninth Circuit
- The United States District Courts for the Southern and Central Districts of California
- The United States Court of Federal Claims

Mr. Johnson is also a member of the following professional organizations:

- The American Bar Association
- The San Diego County Bar Association
- The Federal Bar Association
- The Litigation Section of the State Bar of California
- SD Regional Chamber of Commerce, Vice Chair Tech Comm. (2002-03, 2003-04, 2004-05)

Johnson Bottini, LLP
Firm Resume
Page 2 of 6

Mr. Johnson completed the following trial advocacy programs:

- San Diego County District Attorney one-month misdemeanor jury trial program
- Louis M. Welsh American Inn of Court, one year program
- San Diego Inn of Court College of Advocacy, multi-week trial course
- San Diego Inn of Court College of Advocacy, multi-week evidence course

Following graduation from law school in 1994, Mr. Johnson clerked for one year for the Honorable John S. Rhoades, a federal trial judge in the United States District Court for the Southern District of California in San Diego.

Education: Mr. Johnson received his Juris Doctorate degree from Washington University School of Law in 1994, where he was in the top 10% of his class while in attendance. Mr. Johnson received his B.S. degree in Business Administration - Finance from San Diego State University in 1990, where he graduated second in his class major, with honors and *summa cum laude*.

Francis A. Bottini, Jr.

Mr. Bottini is one of the founding partners of Johnson Bottini, LLP. Prior to starting his own law firm, Mr. Bottini was a partner in the law firm Wolf Haldenstein Adler Freeman & Herz LLP, a full-service law firm that has provided legal services to its clients since 1888. Mr. Bottini has successfully achieved several multi-million dollar recoveries in securities and antitrust class action cases throughout the country. Mr. Bottini has served as an Adjunct Professor of Business Law at the University of San Diego in the past.



He is a graduate of St. Louis University (B.A. *magna cum laude*), and the University of San Diego School of Law (J.D. *cum laude*), where he was the Lead Articles Editor of the San Diego Law Review and received the American Jurisprudence Award in Property. Mr. Bottini is admitted to practice before the United States Supreme Court, all California courts, and the Ninth Circuit Court of Appeals. He is AV rated by Martindale-Hubbell.

Mr. Bottini practices in the areas of securities litigation (including securities fraud litigation under the PSLRA and Sarbanes-Oxley Act, mergers & acquisitions, and proxy litigation), antitrust, consumer, and employment class action litigation. His representative cases include:

- *In re DRAM Antitrust Litig.*, MDL No. 1486 (United States District Court for the Northern District of California); Mr. Bottini was Co-Lead Counsel for the Class; \$325, 997,000 in settlements were obtained for the Class from nine defendants in one of the largest and most complex civil antitrust class actions in the country. Mr. Bottini was involved in all aspects of the case from the filing of the first complaint in 2002 to the final approval of the settlements which occurred in August 2007. Mr. Bottini was part of the trial team that was set to try the case against the two remaining defendants – Mosel Vitelic, Inc. and Nanya – when separate settlements with these last two defendants were reached on March 21, 2007, the day before oral argument was to be conducted on the *motions in limine* for trial. On August 15, 2007, Judge Phyllis J. Hamilton granted final approval to the settlements.

- In *Karlin v. Alcatel*, Mr. Bottini represented investors who received a tender offer for their shares from Alcatel S.A., a French telecommunications company; Mr. Bottini served as Co-Lead Counsel and the case settled for \$10.5 million on the eve of trial.

Johnson Bottini, LLP
Firm Resume
Page 3 of 6

- *In re Dole Shareholder Litig.*, Lead Case No. B281969 (L.A. Superior Court March 2003). In this mergers & acquisitions, going-private class action case, Mr. Bottini was Co-Lead Counsel for the plaintiffs and was involved in all aspects of the litigation. A \$172 million settlement was obtained for the Class when the tender offer price was increased by \$4 per share.

- *In re Brocade Communications, Systems, Inc. Derivative Litig.*, Case No. 1:05cv41683 (Superior Court for the State of California, County of Santa Clara); Mr. Bottini is Co-Lead Counsel in one of the highest-profile cases in the country challenging the award of backdated stock options by executive officers of Brocade. The case was filed in May 2005 and is currently pending.

- *In re Heritage Bond Litig.*, Case No. 02-MDL-1475-DT (C.D. Cal.). In this class action bondholder litigation, which was ordered consolidated in Los Angeles by the Panel on Multidistrict Litigation, Mr. Bottini was lead counsel for the outside director defendants. After obtaining dismissal of most of the claims against the outside directors, Mr. Bottini obtained dismissal of the remaining claims against outside directors Greenspan, Wexler, Chalker, Medill, and Saltzman for a combined payment of \$102,500. The other defendants not represented by Mr. Bottini paid \$27 million to settle the case. *See In re Heritage Bond Litig.*, 2005 U.S. Dist. LEXIS 13627 (C.D. Cal.).

- *Intel x86 Microprocessor Cases*, JCCP Case No. 4443 (Santa Clara Superior Court, Judge Komar). In this complex class action antitrust case, the California Judicial Council coordinated the cases in Santa Clara before Judge Komar. Mr. Bottini is a member of the Plaintiffs' Executive Committee and is active in all aspects of the case. By order dated May 15, 2007, Judge Komar issued an order denying defendants' demurrer to the complaint in its entirety. The case is ongoing.

- *In re Dell, Inc. Derivative Litig.*, Case No. 1:06-cv-00839 (United States District Court for the Western District of Texas). By order dated March 1, 2007, the Honorable Sam Sparks appointed Johnson Bottini LLP Co-Lead Counsel in this shareholder derivative action.

- *In re Sunterra Corp. Shareholder Litigation*, Lead Case No. A525433 (Eighth Judicial District Court for the State of Nevada, County of Clark); Mr. Bottini is Co-Lead Counsel in this shareholder action challenging the fairness and disclosures made in SEC filings pertaining to a buyout offer for the company and certain actions by present and former officers and directors of Sunterra. The case was settled in 2007 when Sunterra agreed to file a supplemental filing with the United States Securities and Exchange Commission providing additional material information pertaining to the tender offer.

- *Deane v. Tombros et al.*, Case No. 60913838 (Third Judicial District Court, Salt Lake City, Utah); Johnson Bottini LLP is Lead Counsel in this shareholder derivative action filed against current and former officers and directors of NPS Pharmaceuticals, Inc., filed in 2006.

Mr. Bottini's published cases include *Karlin v. Alcatel*, 2001 WL 1301216, Fed. Sec. L. Rep. (CCH) ¶91, 526 (C. D. Cal. 2001) (denying defendants' motion for summary judgment); *In re Imperial Credit Industries, Inc. Sec. Litig.*, 2000 WL 1049320, Fed. Sec. L. Rep. (CCH) ¶91,024 (C. D. Cal. 2000) (denying defendants' motion to dismiss in a securities fraud action under Section 10(b) of the Securities Exchange Act of 1934); *In re USA Talks.com Sec. Litig.*, 2000 WL 1887516 (S.D. Cal.) (denying defendants' motion to dismiss in 10b-5 case).

On April 18-20, 2005, Mr. Bottini gave a speech on Securities Class Action Litigation at the 2nd Annual CFO Forum in Seoul, South Korea.

Brett M. Weaver

Areas of Practice: In addition to complex business litigation, Mr. Weaver's practice areas include professional malpractice defense, malicious prosecution actions, employment law, and real estate disputes. Mr. Weaver has also handled a number of anti-SLAPP cases arising from the exercise of free speech and petitioning activities. Mr. Weaver has litigated cases in both state and federal court and has handled all aspects of litigation including mediation, trial preparation, jury trials and appeals.

Professional Qualifications and Activities: Mr. Weaver was admitted to the State Bar of California in 1999. He is currently admitted in good standing with the following courts:

- All courts of the State of California
- The United States District Court for the Southern and Central Districts of California

Mr. Weaver completed the following trial advocacy programs:

- Louis M. Welch American Inn of Court, one year program
- San Diego Inn of Court, multi-week evidence course

During law school, Mr. Weaver served as a judicial extern for Justice Judith L. Haller at the California Court of Appeal (4th District, Division 1) and Hon. J. Richard Haden (Ret.) at the San Diego Superior Court. Before joining the Johnson Bottini, Mr. Weaver was an associate at the mid-sized San Diego firms of Butz Dunn DeSantis & Bingham and Mazzarella Dunwoody & Caldarelli.

Education: Mr. Weaver received his Juris Doctorate degree from the University of Arizona College of Law in 1999. Mr. Weaver actively participated in moot court and was named a member of the moot court board, national moot court team and was named the school's Most Outstanding Oral Advocate. Mr. Weaver graduated with honors from the University of Arizona in 1996, receiving a B.A. in Political Science.

Derek J. Wilson

Mr. Wilson grew up in Las Vegas, Nevada. He attended California State Polytechnic University, Pomona where he received a B.A. in Political Science, graduating *magna cum laude*. Mr. Wilson was also a scholarship athlete in baseball. Mr. Wilson received his Juris Doctorate degree from the University of San Diego in 2006.

During law school, Mr. Wilson was a law clerk at the office of the Alternate Public Defender of San Diego County.

Since joining the firm in October 2007, Mr. Wilson has focused his practice on complex securities litigation. Mr. Wilson is currently admitted to practice law in California. He has also passed the bar examination in Arizona, and his admission to the bar there is pending.



Johnson Bottini, LLP
Firm Resume
Page 5 of 6

TESTIMONIALS

Johnson Law Firm, one of the founding partners of Johnson Bottini, LLP is “exceptionally qualified and experienced.” *Greenmeadows Partners LLP v. Tomkinson, et al.*, C.D. Cal. Case No. SACV 06-91 CJC (appointing Johnson Law Firm lead counsel in a complex shareholder derivative litigation in which six separate lawsuits were filed).

The Honorable Cormac J. Carney
United States District Court Judge
Central District of California

As chairman of the board of a public company, I retained Johnson Law Firm, one of the founding partners of Johnson Bottini, LLP, to pursue claims for breach of fiduciary duty for millions of dollars against former directors of a company formed in England. I have retained law firms throughout the world and found Johnson Law Firm and its lawyers to be superb. Mr. Johnson was very responsive and he grasped complex corporate matters involving international real estate transactions. Johnson Law Firm aggressively litigated my company’s claims against several defendants who were represented by one of the largest law firms in the world. This case was very complex and complicated and involved three jurisdictions (US, Europe, and Sweden). Johnson Law Firm played an instrumental role in bringing the whole case to a successful settlement out of court. We ultimately reached a resolution short of trial with which I was very pleased.

Rolf L. Nordström
Chairman of the Board
International Real Estate PLC

While I was the Executive Vice President and Chief Financial Officer for a publicly traded company, I consulted Frank Johnson on various legal issues. As CFO I was responsible for SEC reporting requirements and compliance with GAAP. In addition, I successfully completed the public offering of the company’s stock which was a consistent top performer on the NASDAQ from 1998 to 1999. During the ten years I’ve known him, I’ve been very impressed with Mr. Johnson’s integrity, business acumen, and understanding of complex securities issues. Based upon these factors, I retained Johnson Law Firm, one of the founding partners of Johnson Bottini, LLP, to represent me in matters where it appeared that a public company’s officers or directors engaged in fraudulent conduct to the detriment of the company’s shareholders (of which I was one). As a former CFO for a public company and as a shareholder, I can say with confidence that this firm has proven to be aggressive and astute in identifying claims for fraudulent conduct in connection with the sale of publicly traded securities.

James Baker
Chief Cost Reduction Officer
DCI Solutions

Johnson Bottini, LLP
Firm Resume
Page 6 of 6

While I was assistant general counsel for GNC Corporation, a publicly traded company at the time, I had the good fortune of working with Frank Johnson as GNC's lawyer. While he was at Sheppard Mullin, he successfully defended GNC in several matters, including a consumer class action and various business litigation matters. I have since left GNC Corporation and am now a partner at one of the largest law firms in the country. I have worked with Johnson Law Firm on various matters, including a jury trial in San Diego, California. Mr. Johnson proved to be an exceptional trial lawyer who assisted my firm in obtaining an outstanding verdict in our client's favor. I have recommended Johnson Bottini, LLP without reservation to both clients and lawyers who need highly skilled and effective representation.

Gerald J. Stubenhofer, Esq.
Partner
McGuireWoods LLP

In 2004, Axeus, Inc. was using Sheppard Mullin, a large law firm, for nearly all of its legal matters. When Frank Johnson, who was then a partner at Sheppard Mullin, announced that he was departing to start his own law firm, I did not hesitate in my decision to send all of Axeus's litigation work to Mr. Johnson. At the time, Axeus was embroiled in a huge legal battle involving more than 20,000 pages of evidence and millions of dollars. Johnson Law Firm, one of the founding partners of Johnson Bottini, LLP, helped Axeus successfully resolve that matter and has since handled several litigation matters for Axeus, all with outstanding results. I have worked with many different law firms over the years and I can say with confidence that Mr. Johnson is one of the best lawyers I've worked with. He understands what is important to his clients: excellent legal work and value. While other firms may be less expensive, Johnson Law Firm provides value for its fees.

Sean H. Mallean
President & CEO
Axeus, Inc.

Johnson Law Firm, one of the founding partners of Johnson Bottini, LLP, was Awesome! They were professional, organized and as evidenced by juror testimonials following a one-week jury trial.... extremely effective. On claims for breach of contract and fraud, Johnson Law Firm won a 7 figure verdict for me and my company and I will forever be grateful. You never realize how important it is to have a good attorney until you need one!

Ronald T. Fricke
President
Healthy Life Marketing, LLC

I am the owner of Natural Energy, which was established in 1977 and is the largest solar energy company in the western United States. Although we have an exceptional reputation, as with any large company, legal disputes are sometimes inevitable. After using a number of law firms, for the past several years Natural Energy has used Johnson Law Firm, one of the founding partners of Johnson Bottini, LLP, for all of its business litigation matters, from general business disputes to successfully getting a baseless class action dismissed. The lawyers at Johnson Bottini, LLP are aggressive, have a strong work ethic and, of utmost importance to me, have unquestionable integrity. I have the utmost faith and confidence in Johnson Bottini, LLP.

Ted Mount
Owner
Natural Energy